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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,922

03/28/2007

Carsten Detlefs

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7636

31013

7590

08/25/2009

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

WILLIAMS, THOMAS J

ART UNIT

PAPER NUMBER

3657

NOTIFICATION DATE

DELIVERY MODE

08/25/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

klpatent@kramerlevin.com

Office Action Summary	Application No. 10/565,922	Applicant(s) DETLEFS ET AL.	
	Examiner Thomas J. Williams	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/25/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Acknowledgment is made in the receipt of the priority papers and information disclosure statement filed January 25, 2006, and the preliminary amendment and oath filed March 28, 2007.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 5 recites the limitation "*said intact ones* of said service brake circuits" in line 31. There is insufficient antecedent basis for this limitation in the claim.

Claims 6-11 and 13 are rejected due to their dependence upon claim 5.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,276,761 to Beck.

Re-claim 1, Beck discloses a method for refilling service-brake circuits in a vehicle compressed air system after rapid compressed air consumption or loss, comprising the steps of establishing a pneumatic communication between intact service brake circuits (2.1 and 2.2) of a

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plurality of compressed air consumer circuits of a vehicle compressed air system and at least one additional compressed air consumer circuit (2.4 or high pressure circuit 30) having a compressed air reservoir (see column 5 lines 14-18 and lines 38-53). Each of the circuits is provided with a reservoir (see column 4 lines 43-44).

Re-claim 2, pressure sensors are associated with each circuit, solenoid valves 21-25 are controlled in accordance with sensed values.

Re-claim 3, the threshold values are minimum pressure values.

Re-claim 4, the communication is interrupted, or ceases, once an index value (interpreted as a minimum pressure value) is reached in the service brake circuit.

Re-claim 12, the variable state value is a pressure value.

7. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 810 136 A1 to Bornhof et al.

Re-claim 1, Bornhof et al. disclose a method for refilling service-brake circuits in a vehicle compressed air system after rapid compressed air consumption or loss, comprising the steps of establishing a pneumatic communication between intact service brake circuits (circuit 1) of a plurality of compressed air consumer circuits of a vehicle compressed air system and at least one additional compressed air consumer circuit (circuits 2 or 3) having a compressed air reservoir. Communication is achieved by opening valves 41 or 51 located between circuits 1 and 2 or circuits 1 and 3, respectively.

Re-claim 2, pressure sensors are associated with each circuit, solenoid valves 11, 40 and 50 are controlled in accordance with sensed values.

Re-claim 3, the threshold values are minimum pressure values.

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Re-claims 4 and 9, the communication is interrupted, or ceases, once an index value (interpreted as a minimum pressure value) is reached in the service brake circuit.

Re-claims 5, 6 and 11, Bornhof et al. disclose a system for refilling service brake circuits in a vehicle compressed air system after a rapid consumption or loss, comprising: a compressed air supply part 4 having a compressor, a plurality of compressed air consumer circuits including a service brake circuit 1 and at least one additional compressed air consumer circuit 3 having reservoirs, electrically actuated valves 11, 21, 31, 41 and 51 are controlled for supplying air to the compressed air consumer circuits, sensors 15, 25 and 35 monitor air pressure in each circuit, an ECU 5 evaluates electrical signals from the pressure sensors and control the valves accordingly, valves 21, 31, 41 and 51 are normally closed valves, valve 11 is a normally open valve associated with the service brake circuit, a detected drop in pressure or defect in the service brake circuit results in closure of valve 11 (as per instant claims 5 and 6), whereupon a communication is established with the service brake circuit with at least one of circuit 2 or circuit 3 via normally closed valves 41 and/or 51.

Re-claim 7, the pressure level of the additional circuit must be higher than the service brake circuit, otherwise air pressure would not flow to the service brake circuit.

Re-claim 8, the actuatable valves are in communication with a common compressed air distributor line (i.e. the line emanating from compressor 4).

Re-claim 10, the threshold value is the air pressure value of the service brake circuit.

Re-claims 12 and 13, the variable state value is a pressure value.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bruehmann et al. teach a compressed air system and method of transferring fluid from one circuit to other circuits. Aumuller et al., Diekmeyer et al. and Detlefs et al. each teach compressed air circuits.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

/Thomas J. Williams/
Primary Examiner, Art Unit 3657

August 20, 2009